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REFERENCE TITLE: **EORP; surviving spouse pensions**

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
First Regular Session  
2005

## **HB 2457**

Introduced by  
Representative Burns J

**AN ACT**

**AMENDING SECTION 38-807, ARIZONA REVISED STATUTES; RELATING TO THE ELECTED OFFICIALS' RETIREMENT PLAN.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-807, Arizona Revised Statutes, is amended to  
3 read:

4 38-807. Survivor pensions

5 A. The surviving spouse of a retired member shall be paid a pension  
6 which terminates on the death of the surviving spouse if the retired member  
7 was married to the surviving spouse for at least two years. The surviving  
8 spouse's pension under this subsection is ~~three-fourths~~ FOUR-FIFTHS of the  
9 amount the retired member was receiving at the time of the member's death.

10 B. The surviving spouse of an active or inactive member who dies  
11 before retirement shall be paid a pension which terminates on the death of  
12 the surviving spouse if the active or inactive member was married to the  
13 surviving spouse for at least two years.

14 C. The surviving spouse's pension under subsection B of this section  
15 is ~~three-fourths~~ FOUR-FIFTHS of the amount of pension computed according to  
16 section 38-808, subsection B, paragraph 2 under the assumption that the  
17 member had retired for reason of disability immediately before death.

18 D. If the deceased retired or active or inactive member does not have  
19 an eligible surviving spouse or the pension of the eligible surviving spouse  
20 is terminated, each surviving unmarried child of the deceased retired or  
21 active or inactive member shall be paid a pension which terminates on  
22 adoption or the attainment of age eighteen unless the child is a full-time  
23 student under the age of twenty-three or the child is under a disability  
24 which began before the child attained the age of twenty-three. The amount of  
25 the pension of each surviving minor child of a deceased retired or active or  
26 inactive member is an equal share of the amount of the surviving spouse's  
27 pension. The surviving minor child's pension shall be paid to the person who  
28 is the legally appointed guardian or custodian of the eligible child.

29 E. If a member dies and no pension is payable on account of the  
30 member's death, the deceased member's accumulated contributions shall be paid  
31 to the person or persons designated by the deceased member in writing and  
32 filed with the fund manager. If the designated person or persons do not  
33 survive the deceased member, the accumulated contributions shall be paid to  
34 the estate of the deceased member.

35 Sec. 2. Current surviving spouse's recalculation of benefit;  
36 effective date

37 A. A member who is receiving a benefit under the elected officials'  
38 retirement plan as a surviving spouse on the effective date of this act is  
39 entitled to receive a one-time permanent benefit increase of 6.67 per cent of  
40 the member's monthly benefit amount.

41 B. The payment prescribed in subsection A is effective on the first  
42 day of the month after the effective date of this act.